

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
MAY 19, 2009  
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 5:00 P.M. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Barsanti, Dunker, Marks, and Thompson

Others Present: Chief of Police Hill, Finance Director Beauchaine, City Clerk Dunham, Acting Director of Public Works Jensen, Attorney Martinek, Planning Consultant Williamson, and Merritt Perry, Winzler & Kelly.

Absent: City Manager Flemming

**CLOSED SESSION**

Mayor Woodall announced the City Council would be adjourning to closed session for: *Conference with Legal Counsel – Anticipated Litigation. Significant Exposure to litigation pursuant to Subdivision (b) of Section 54956: two potential case; and Public Employee Performance Evaluation – City Manager (Government Code Section 54957)* and asked for public comment. There being no public comment, the council adjourned to closed session at 5:00 P.M.

The regular meeting reconvened at 6:30 P.M. Mayor Woodall announced that no reportable action was taken in closed session and that the Council would be adjourning back into closed session at the conclusion of the meeting.

**CONSENT CALENDAR**

Councilmember Thompson asked for clarification of check No. 27160 to AT&T for a 56K line; Chief of Police Hill explained it was for a secure phone line at the police department.

Councilmember Dunker then questioned check number 27196 for document copies; Councilmember Thompson explained the expense was for copies of documents relating to the City Springs which were going to the City Attorney for review as authorized by City Manager Flemming.

Motion was then made by Barsanti/Marks to approve the consent calendar including the minutes of the April 7, 2009 regular meeting and the check register including the general check register

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for check numbers 27144-27201 totaling \$118,053.76; and the payroll check register for check numbers 14671-14693 totaling \$24,813.46. Motion carried 5-0.

**ORDINANCES/SPECIAL RESOLUTIONS**

Approve Resolution No. 1047-2009 Accepting a Grant Easement Deed from Rio Dell Pilar, LLC  
Chief of Police Hill stated the City Council, at its March 3, 2009 regular meeting, approved the Ground Lease Agreement with Omnipoint Communications, Inc. (T-Mobile) however, upon final review of the agreement, they discovered that the City did not have an easement for a portion of the road leading to the cell tower site. A Grant Easement was secured from James Cortazar to the City of Rio Dell, however, before T-Mobile will execute the lease agreement, they are requiring a copy of the recorded Grant Easement Deed. Upon submittal of the Deed for recordation by the City Clerk, she learned that the Recorder's Office will not record the Deed without formal authorization by the City Council. He noted approval of the Resolution will be the final step in finalizing the Lease Agreement.

Motion was made by Marks/Dunker to approve Resolution No. 1047-2009 *Accepting a Grant Easement Deed from Rio Dell Pilar, Inc. LLC*. Motion carried 5-0.

Approve Resolution No. 1048-2009 Declaring the City of Rio Dell to be in a /State of Severe Financial Hardship if Additional Property Tax Funds are Seized by the State of California  
Finance Director Beauchaine stated the City received correspondence from the League of California Cities Executive Director that the Department of Finance had proposed to the Governor that the State "borrow" over \$2 billion in local property taxes from cities, counties and special districts to balance the state budget, causing deeper cuts in local public safety and other vital services in the event the proposition doesn't get passed in tonight's election. She noted the financial impact to the County would reflect a loss of nearly \$3 million, and \$35,000 to the City of Rio Dell. She recommended the City Council support the League of California Cities in their efforts to protect local revenue by approving the proposed resolution.

Motion was made by Dunker/Barsanti to approve Resolution No. 1048-2009 *A Resolution Finding a Severe Fiscal Hardship Will Exist if Additional City Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California*. Motion carried 5-0.

Approve Resolution No. 1049-2009 Authorization to Borrow Rural Community Assistance Corporation Sewer Effluent Disposal and Facilities Plan Bridge Financing  
Finance Director Beauchaine stated the City had applied to the State Water Resources Control Board to access ARRA (American Reinvestment and Recovery Act) Funds to implement the planning, design, and construction of the Sewer Effluent Disposal and Facilities Plan Project.

She explained that in order for the City to remain competitive, the City must continue planning and design phases of the project prior to the anticipated grant and loan award expected in August 2009. Due to the State's budget crisis, the State Controller's Office has deferred issuance of

funding owed by the State to the City, reducing the City's previously anticipated cash flow by nearly \$500K. As a result, it has affected the City's ability to finance the pre-award progress of the project, and to continue the City is in need of bridge financing. She said she had talked with several agencies including banks and determined that funding through the Rural Community Assistance Corporation ( RCAC) seems to be the best entity to provide bridge financing for the Sewer Effluent Disposal Facilities Plan.

Motion was made by Thompson/Marks to approve Resolution No. 1049-2009 *Authorization to Borrow Rural Communities Assistance Corporation Sewer Effluent Disposal and Facilities Plan Bridge Financing*. Motion carried 5-0.

Approve Resolution No. 1050-2009 Establishment of Brownfield's Eel River Sawmills Site Hazardous Substance Assessment Grant Capital Project Budget

Finance Director Beauchaine stated in October 2008 the City applied to the US Environmental Protection Agency for grant funding for \$350,000 to perform Phase I and Phase II hazardous substance assessment and sampling to initiate remediation plans for the redevelopment of the Eel River Sawmills site. She said the City had received notification that our application was approved and the City Council had already authorized the City Manager to sign the grant application. Establishment of the project budget is the final step necessary to begin work on the project.

Councilmember Barsanti asked if this is something the City must do in order to access the property and asked if the property owners would be required to do a site plan; Merritt Perry explained that routinely cities submit Brownfield Grant applications to clean up private parcels for economic development purposes stating that this grant will be for hazardous substance assessment and sampling and not actual cleanup of the site. Chief Hill commented that the City would be preparing the site plan for the entire area including the south area proposed for the sewer effluent project as well as the area to the north.

Councilmember Marks commented that staff is proposing that we spend City grant funds on property not owned by the City and asked if that was appropriate; Finance Director Beauchaine explained that it is proper and legal to spend grant funds on this type of project however staff would need direction on how to fund the \$10,000 in matching funds required under the grant and said our options would be to examine our own budget for possible funding or engage in negotiations with the property owner.

Motion was made by Dunker/Thompson to approve Resolution No. 1050-2009 *Establishment of Brownfields Eel River Sawmills Site Hazardous Substance Assessment Grant Capital Project Budget*. Motion carried 5-0.

**SPECIAL CALL ITEMS**

Discuss Scope and Contents for Proposed 2009 General Plan Update

Planning Consultant, George Williamson explained that the City must periodically update their General Plan to comply with State law and stated that five of the seven elements of the City's General Plan have not been updated since the 1970's. The remaining elements were updated in 2001 and 2004 with the Land Use Element being updated in 2008 to include new designations and policies associated with the recent annexations. Additionally, he noted the Housing element is currently being updated to meet the mandated State deadline of August 31, 2009.

He stated that he is proposing to update the General Plan consistent with State General Plan Guidelines and to prepare environmental compliance documents required by the update with the goal of getting the General Plan up to date over the next couple of fiscal years.

George then provided an overview of the *City of Rio Dell Proposed 2009 General Plan Update Scope and Contents* as submitted. He began with discussion of the Circulation Element stating the updated Circulation Element would define a circulation system hierarchy that includes arterial, collector and local streets and include preparation of a computerized Circulation Diagram, using the City parcel level GIS database as the base layer and would give the City the chance to take a broad look at the City's circulation system and make adjustments to make it as efficient as possible given financial constraints. He stated it is also important to look at pedestrian roadways, bike lanes and transit plans.

Councilmember Thompson asked if the plan was to first update the Circulation Element, then change streets to one-way streets where needed, or change the streets first then update the plan; George explained the first step is to look to see if those streets are operating efficiently by testing circulation alternatives using the GIS system with the idea of laying it all out and making sure it works then implementing the plan over time.

Next was review of the Open Space Element which was last updated in 1972. George pointed out that although it was one of the older elements, in terms of priority, may not be the most important to update since the City does not hold a lot of resource lands. He indicated the same would be true for the Conservation Element since that update would primarily address water resources and would define types of resources subject to conservation measures.

George went on to discuss the Public Safety Element stating it would be a good candidate for update as the update would define the different types of potential public safety hazards, including known faults, steep slopes, areas subject to erosion, flood zones, high fire hazard areas, and locations of known hazardous materials and develop a clear set of policies for development of the City.

In regard to the Noise Element, George recommended the addition of Air Quality data and analysis that would include a policy to reduce greenhouse gas emissions as required for SB 375 and AB 32 compliance.

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At the conclusion of his review, George said he would recommend the City Council place the Circulation and Public Safety Elements at the top of the priority list for update.

Councilmember Dunker asked why only two updates were being recommended at this time; George explained that update of all five elements would cost between \$50,000 and \$60,000 and in talking with the finance director, was told that the money was not budgeted. He said the Circulation and Public Safety Elements were the biggest ticket items.

Councilmembers Dunker and Marks concurred that the Public Safety Element should be first priority. Councilmember Marks then asked if the updates could be deferred; Finance Director Beauchaine pointed out that a priority list would need to be established so as funding options become available, staff will know what the City Council wants. At this point the Council is merely establishing a priority list and not authorizing the work to proceed.

Councilmember Thompson noted there may be some efficiency in updating the Circulation Element first since information regarding public safety would be obtained during that update; George agreed that it may be more efficient to do the Circulation Element update first.

After further discussion, the consensus was that the Public Safety Element be updated first, followed by the Circulation Element.

Approve Scope of Services for the Wildwood Avenue Paving and Pedestrian Improvement Project

Merritt Perry, Winzler & Kelly explained the City of Rio Dell is expected to receive \$576,000 from the American Reinvestment and Recovery Act (ARRA) to complete the roadway improvements on Wildwood Ave. between the Eagle Prairie Bridge and Side St. noting there is a deadline of June 17, 2009 to obligate 50% of the ARRA funded projects throughout the State. In effort to meet the statewide goal, the City is expected to make every effort to complete the required tasks for this project for submission to Caltrans to allow our region to pursue additional ARRA funds not obligated by other regions. He noted Winzler & Kelly will be assisting the City with project programming, NEPA Environmental Documentation, submission of a Disadvantaged Business Enterprise Plan (DBE), and development of a Quality Assurance Plan (QAP) at a total cost of \$25,000. He stated the Scope of this project is to pave the remaining portion of Wildwood Avenue and provide pedestrian and enhanced crosswalks; and at the desire of the City Manager Flemming, add decorative stamped concrete.

Mayor Woodall asked if bulb-outs or other design features such as diagonal parking were now out of the question due to the time constraints; Merritt Perry explained it was unlikely they would be able to put together an alternate plan by the obligation deadline as any change in the circulation of the City would require going through a public process. He commented that striping would be similar to what is there currently.

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Councilmember Dunker asked if it is legal for vehicles other than delivery vehicles to park in the middle lane on Wildwood Ave.; Chief of Police Hill said that it was not legal however in attempt to enforce parking laws in that respect, numerous complaints were received from citizens and businesses. Merritt said the City could do some signage or change the striping but without public input would be running risk of multiple problems. Councilmember Dunker said he felt the issue of illegal parking should at some point be addressed. Merritt said he would like to leave the option open for coming back and addressing the possibility of changing the striping at a later date and noted that it was very important to put asphalt in place as soon as possible to protect the integrity of roadway.

Merritt Perry reiterated that there was a short timeline in regard to ARRA funding and that the City would only have approximately six weeks from the time funding is in place to get the project "shovel ready." For that reason, it would be very difficult to modify the plan and go through the public process.

Councilmember Marks asked if the City would be obligated to stay with the exact plan as submitted; Merritt explained that if the City wanted to give clear direction of what they wanted, those changes, within reason, could be incorporated such as modification of the striping plan.

Councilmember Marks then suggested the traffic committee get together once again and discuss the project; Chief Hill said that he was not aware the project was moving along so quickly but agreed to schedule a meeting with the traffic committee before submittal of the application.

Finance Director Beauchaine expressed concern over appropriation of funds stating that the \$25,000 for the additional Scope of Services was not adopted into the current budget and would need to be appropriated into the budget from Prop 1-B monies prior to paying Winzler & Kelly. Merritt commented that the Council may want to look at other parts of the budget since there were different phases of this project. He said it would be acceptable to Winzler & Kelly to bring the budget amendment back to Council for approval at another meeting.

Motion was made by Marks/Dunker to approve the Scope of Services for the Wildwood Avenue Paving and Pedestrian Improvement Project and authorize the City Manager to execute the agreement with Winzler & Kelly. Motion carried 5-0.

#### Approve Scope of Services Task 2 – Operation and Maintenance Manual for Drinking Water System

Merritt Perry explained this Scope of Services would provide an Operations and Maintenance (O&M) Manual for the City's Water Treatment Plant as required by the California Department of Health Services (DHS) and would cover the portion of the City's drinking water treatment system from the plant inlet to discharge into the City's distribution system. He noted the deadline for completion of the manual was the end of the month. Finance Director Beauchaine noted this Scope of Services was included in the current budget.

Motion was made by Dunker/Barsanti to approve the Scope of Services Task 2 – Operations and Maintenance Manual for Drinking Water System and to authorize the City Manager to execute the agreement with Winzler & Kelly. Motion carried 5-0.

### **PUBLIC PRESENTATIONS**

**John Lane, 1249 Riverside Dr.** congratulated the City Council for allowing the public to comment on each agenda item and George Williamson for tackling the updates of the General Plan. He then commented on the update of the Noise Element stating that he agreed that update could be delayed since there are no noises in the City that would violate noise standards. He said that he had done extensive work on the previous update of the Noise Element and had gathered valuable information that he would be happy to share with Planwest Partners when the time comes to update the Noise Element.

### **REPORTS/STAFF COMMUNICATIONS**

Chief of Police Hill reported on recent activities in the police department and said they had received a couple of calls regarding a series of thefts from vehicles which took place over three or four weeks and followed up on some leads and had a second individual in custody. He then reported on the subject of access to the river bar from Edwards Dr. and the on-going problem of illegal dumping and proposed replacement of the gate at the end of Edwards Dr. that was taken out during a police pursuit many years ago. He said that although he was in favor of use of the river bar by citizens, could not see any good use of the river bar at night stating that garbage is being dumped including old appliances and abandoned vehicles which are sometimes set on fire creating brush fires. These actions are creating the use of resources, particularly by the fire department and felt a gate would eliminate the illegal dumping. He presented a map showing the Public Works corporation yard with lines to indicate the proposed location of the gate. The fiscal impact would be for the initial cost of the gate and installation but noted the money saved would by far outweigh those costs. The only problem is that the people want 24 hr. access to the river bar but they could go to the police department and request it be unlocked if they have a legitimate reason to be on the river bar at night. He noted the plan would be to lock the gate between 6:00 P.M. and 6:00 A.M. with a phone number posted in the event someone gets locked in. He said he felt confident this would work but if it doesn't solve the problem, he would come back to the Council for another possible solution.

Councilmember Barsanti said he always felt that fishing was one of the biggest benefits of growing up here and said he would like to see the road improved so that boats could be towed to the river from Edwards Dr.; Councilmember Dunker commented that the Parks & Recreation Commission had discussed plans to put in a parking area and restrooms in that area to make use of the river more attractive to citizens as well as visitors.

The Council concurred to support Chief Hill's recommendation as presented.

On behalf of the City Engineer, Chief Hill reported the Safe Routes to Schools design process was done and they were prepared to put the project out to bid. They would be bringing the final design recommendations to the City Council, Planning Commission, and Traffic Committee for input, noting only minor modifications were made since the initial plan was submitted.

Finance Director Beauchaine reported on recent activities in the finance department stating she had attended the State Risk Management training in Redding sponsored by ERMA stating that it was very informative and required every two years to help reduce our insurance rates; said she had been in contact with John Hamner from RCAC and he had agreed to draft our next wastewater rate increase schedule and could be here for his first presentation on June 1<sup>st</sup>; she noted that depending on what happens at this election could have a significant affect on the City's budget which she said would have otherwise been ready for adoption. If the State moves forward with the budget amendments as proposed the City could be faced with a significant budget deficiency and be faced with difficult times ahead. Once those results are in, she suggested a study session be scheduled to discuss the budget. She said she had distributed the 3<sup>rd</sup> quarter financials in Council boxes which included a consolidated balance sheet as well as comparative revenues and expenditures.

Councilmember Marks requested quarterly financial reports be put in the Council packet for public review; and said there had been some discussion regarding getting PERS for employees of the City and thought that the City Manager had done a study but the Council had never seen it. She commented that she felt it was important that the City employees have a good retirement plan and would like to see how it would impact the budget. Chief Hill said he was in the process of working with the Finance Director to get an actuarial done and would report information to the Council as it develops.

Councilmember Marks also noted that she was approached by a citizen suggesting that the City install at the very least, a walking trail from Davis St. to the river bar; Chief Hill agreed to review the property boundaries and coordinate with the public works department to work on putting in a trail.

#### **CLOSED SESSION**

Mayor Woodall announced the City Council would be adjourning back into closed session for: *Conference with Legal Counsel – Anticipated Litigation. Significant Exposure to litigation pursuant to Subdivision (b) of Section 54956: two potential case; and Public Employee Performance Evaluation – City Manager (Government Code Section 54957)* and asked for public comment. There being no public comment, the council adjourned to closed session at 8:35 P.M.

The regular meeting reconvened at 9:45 P.M. Mayor Woodall announced that no reportable action was taken in closed session.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 9:47 P.M. to the June 2, 2009 Regular Meeting.

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Julie Woodall, Mayor

Attest:

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Karen Dunham, City Clerk